



United States Department of the Interior

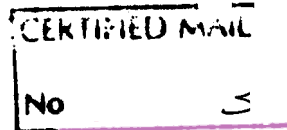
BUREAU OF LAND MANAGEMENT
MONTANA STATE OFFICE
222 NORTH 32ND STREET
P.O. BOX 36800
BILLINGS, MONTANA 59107-6800



IN REPLY TO:

✓ Big Stick Madison Unit
SDR 922-91-03
3165 (922.LB)

November 8, 1990



CERTIFIED-RETURN RECEIPT REQUESTED

RETURN RECEIPT REQUESTED

DECISION

Mr. Brent D. Rawson
Exxon Company USA
P.O. Box 4548
Houston, Texas 77210-4548

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SDR No. 922-91-03

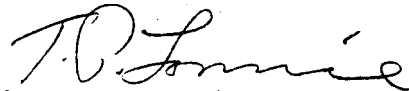
Dismissed - Untimely Filed

Exxon Company USA (Exxon) requested a State Director Review (SDR) (Enclosure 1) of an assessment issued by the Dickinson District Office (DDO) on September 27, 1990 (Enclosure 2). The assessment was issued to Exxon for failure on Exxon's part to comply with a written order of the authorized officer (AO) issued on July 2, 1990. The certified return receipt (Enclosure 2) indicates that Exxon received the September 27, 1990, Incident of Noncompliance (INC) and notice of the assessment on October 2, 1990.

Exxon's SDR was received in the Montana State Office on November 2, 1990, 22 business days from receipt of the INC by Exxon. The 43 CFR 3165.3(b) states in part, "Any adversely affected party that contests a notice of violation or assessment or an instruction, order, or decision of the authorized officer issued under the regulation in this part, may request an administrative review, before the State Director, either with or without oral presentation. Such request, including all supporting documentation, shall be filed in writing with the appropriate State Director within 20 business days of the date such notice of violation or assessment or instruction, order, or decision was received or considered to have been received and shall be filed with the appropriate State Director." Therefore, the request for SDR is dismissed as untimely filed.

This Decision may be appealed to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR 4.400 and the enclosed Form 1842-1 (Enclosure 3). If an appeal is taken, a

Notice of Appeal must be filed in this office at the aforementioned address within 30 days from receipt of this Decision. A copy of the Notice of Appeal and of any statement of reasons, written arguments, or briefs must also be served on the Office of the Solicitor at the address shown on Form 1842-1. It is also requested that a copy of any statement of reasons, written arguments, or briefs be sent to this office. The appellant has the burden of showing that the decision appealed from is in error.



Thomas P. Lonnie
Deputy State Director
Division of Mineral Resources

3 Enclosures

- 1-SDR dated October 25, 1990 (1 p)
- 2-INC No. IKW90001 (2 p)
- 3-Form 1842-1 (1 p)

cc: (w/o encls.)
DM, Dickinson